Public Work (1939) Department

SERIES

G.O. No. 1424.

Dated 13-6-39

[Despatch Abstract.]

Ports Mangalore - Landing
and Shipping Fees Levy
on passengers ordered to be

1,002—16-2-37.

ASST SECRETARY TO GOVERNMENT
14 SEP 1938
3862
PUBLIC WORKS DEPARTMENT

Received ..... 193 *Registered* 14 SEP 1938 193

Subject.

Mangalore - Landing and Shipping Fees - Levy on passengers.

ENCLOSURES
No. 5 sheets
Spare copies .....

No. 148/Gl/38-2 *Madras, dated* 13th September 1938.

From (Name) Commander G.M.Osborne-Smith, R.I.N.,
Presidency Port Officer, Madras,

Notifications (in duplicate) y of minute.

To The Secretary to the Government of Madras,
Public Works (Marine) Department.

Sir,

P5 supra

I have the honour to state that with the concurrence of the local Port Conservancy Board, the Port Officer, Mangalore, proposes the levy of Landing and Shipping fees on passengers disembarking and embarking from the port of Mangalore in order to assist the Mangalore Landing and Shipping Fund in improving the existing facilities at the port for passengers viz., reconstruction of the T-end of the pier and also construction at a later date of a more commodious passenger shed. The proposed levy of fees on passengers is expected to yield an additional income to the above fund of about Rs.1700/- per annum.

2. In the circumstances stated I agree to the proposal and

request the sanction of Government thereto.

2. The Port Officer, Mangalore also proposes to entrust to the steamer agents concerned the collection of the proposed fees on passengers and this/I consider may be permitted as at Cocanada - Vide G.O.No.342 Ms. Finance (Marine) dated 30-8-1921.

3. Draft notifications are enclosed.

I have the honour to be,

Sir,

your most obedient servant,

W. F. Laurie 13/9

Presidency Port Officer.

Draft Notification.

(1)

In exercise of the powers conferred by sections 4 & 5 of the Madras Outports Landing and Shipping Fees Act 1885 (Madras Act III of 1885) the Government of Madras are hereby pleased

(i) to direct that landing and shipping fees shall be levied upon all passengers landed from or shipped into, any vessel lying or being within the limits of the Port of Mangalore in the district of South Kanara at the following rates viz.,

Adults, per head	Re.0-2-0
Children between three and twelve years of age each	Re.0-1-0; and

(ii) to notify that it the said rates shall be payable on and after the 1939 / 11 M., 1939

for Presidency Port Officer.

Draft Notification.

(11)

In exercise of the powers conferred by section 6 of the Madras Outports Landing and Shipping Fees Act 1885 (Madras Act III of 1885), the Government of Madras are hereby pleased to make the following amendment to the rules appended to Marine Notification No.78 dated 27-8-38 published at pages 1294-95, Part I Fort St. George Gazette dated 6-9-1938.

Amendment.

In part II of the said rules, (a) add the following as sub rule (i) of rule 23 --(Special to Mangalore), renumbering the existing rule as sub rule (ii).--

"23 - Special to Mangalore.- (i). Passengers shall embark or disembark on the pier or such part of the wharf situated within the customs dutiable enclosure walls as the Port Officer may, from time to time direct."

(b) Insert the following as rule 24. :-

" HEA on p. 18 supra

W. F. Griffle

Presidency Port Officer.

Resolution No.VI of the Port Conservancy Board, Mangalore dated 27th August 1938:

Read letter from the Presidency Port Officer, Madras, No.1481 G1/38-1 dated 22-7-38 requesting to forward draft rule for the levy of landing and Shipping dues on passengers.

Read draft of a notification prepared by the Port Officer.

"A p p r o v e d."

38/2014

Pur(Secy)

Cur no 3862/38-1 dt 24.9.38

Ports - Mangalore. Landing and Shipping fees - levy on passengers.

From the PPO no 1482 gl/38 dt 13.9.38

The PPO is requested to report in detail

(1) at what other ports landing and shipping fees are levied on passengers and at what rates;

(2) whether such fees are collected by the Port Deptt Staff or the Steamer agents; and

(3) why the Port Deptt Staff cannot do the work.

for KA 22/9
22938

upd. by. Vna Pa Messenger

Dispatched 22/9/38 193

To the PPO Madras

NOTE A further report is necessary esp. with reg to para 2 of PPO's letter the Advocate

Legal team was opinion that

the collection of dues by the Steamer

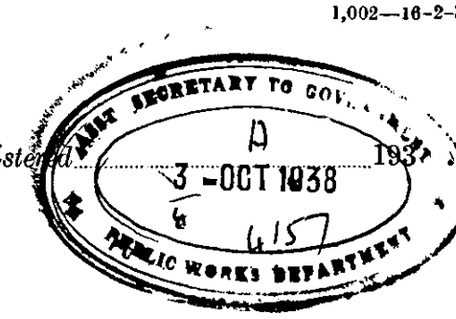
agents was illegal

Ex KS
2938 22/9

45 (11)

1,002—16-2-37.

Received ..... 19 *Registered* 193



Subject.

Port of Mangalore - Landing and Shipping Fees - Levy on passengers

ENCLOSURES
No.
Spare copies .....

No. /481 G1/38-4 *Madras, dated* 30th September 1938.

From (Name) Commander G. M. Osborne-Smith R.I.N.,
Presidency Port Officer, Madras,

To The Secretary to the Government of Madras,
Public Works (Marine) Department.

Sir,

P6 ante

Government Memorandum No.3862 A/38-1 Public Works(Marine) dated 24-9-1938.

I have the honour to furnish below the particulars called for in the above Government Memorandum Seriatum:-

1 (a) Negapatam and Cocanada

(b) Re.0-2-0 for each adult and Re.0-1-0 for each child between 3 and 12 years of age at both the ports.

2. By the Steamer Agents

3. Vide- paragraph 4 of this office letter No. 2035/123 G dated-25-2-1921 disposed of in G.O.No.342 Mis. Finance (Marine) dated 30-8-1921.

(M)

I have the honour to be
Sir,
Your most obedient servant

J Osborne-Smith

Commander R.I.N.
Presidency Port Officer

P.W.(Marine)

O.M. No. 3862 A/38-3 dated 15/11/38

Sub: Landing & Shipping fees - Levy on passengers.

Section 7 of the Madras Outports Landing & Shipping Fees Act, 1885, lays down that the Provl. Govt. should appoint an 'officer' of Govt. to levy and receive all fees payable under the Act, and to pay them into such treasury and keep such accounts as the Govt. may from time to time, prescribe. As the 'officer' appointed under this section should be a Govt. servant, every one of the port Officers has been appointed as the 'officer' to perform the functions, allotted to him by the Act, at different ports.

.2. The same section empowers the 'officer', so appointed from time to time, to appoint with the sanction of Govt., such persons as he shall think fit to assist him in carrying out the provisions of the Act. As this section does not require that the assistants, mentioned above, should be persons already in the service of Govt., it would appear that any person whom the 'officer' referred to in para 1 above, considers suitable, could, with the sanction of Govt., be appointed to assist him. But the appointment of a body of steamer

agents

A5654
20 DEC 1938
DEPARTMENT

No.80.

OPINION.

Sub: Landing and Shipping Fees - Levy on passengers.

Ref: Memorandum No.3862 A/38-3 dated 15th November 1938, Public Works (Marine) Department.

PP 8-9 ante

I think the proposal of the Government that the Officer appointed under Section 7 of the Madras Outports Landing and Shipping Fees Act, 1885, may appoint individual shipping agents by name as his assistants is in order, and the assistants so appointed can exercise the powers under Section 8 of the Act.

(Para no 39)

? do -

Madras,
19th Dec.1938.

A. Krishnaswamy.
Advocate-General.

(True copy)

Government Solicitor.

From

H. M. Small Esq., M.A.,LL.B.,

Government Solicitor,

Madras.

To

The Secretary to Government,

Public Works(Marine) Dept.,

Madras.

No. 3256.

Received on 19-12-38

Dispatched on 20-12-38

Forwarded with reference to Memorandum No.3862 A/38-3 dated 15-11-1938. PP 8-9 ante

H.M. Small

GOVERNMENT SOLICITOR.

3257

Copy to the Secretary to Government, Legal Department, Madras.

Pub(mar)

O.M. No. 3862 A/38-5 dt 9-1-39

L & S fees - levy on passengers & Crews. From the PPO No 1481 dt -2-4 dt 3rd & 30th Sep. 1938

Remitted 8-3-39

Copies of the papers noted in the margin are forwarded to the P.P.O. Madras who is requested to submit, in Conformity with the Adv. Genl's opinion

(1) revised drafts of Rules 21, 22 & 23 of the Rules issued with G.O. No. 1859 Pub(mar) dt 27-8-38 and also

(2) draft notifns appointing individual steamer agents, by name, at the ports of Negapatam Cocanada & Mangalore as assistants under S.7 of the Madras Outports L & S Fees Act of 1885

It is presumed that the service expected of the Steamer agents will be done free of charge.

PP
4.1.39

pp 5.9 c7

ref memo No. 3862 A/38-3 dt 15-11-38
Adv. Genl's opinion No. 80 dt 19-12-38

b.o c.7.

(X)/3

Dpd. by V nder
Po
Messenger

Dpr.'s initials.

Date 11-1 1939

P.O. Madras with
Copies of papers referred to

P.W DEPARTMENT.

REMINDER. Marine *Branch.* 1544 **REPLY.** No. 14816

To The Presidency Port Officer, Madras.

To The Under Secretary to Government, Public Works Department,

PRESIDENCY PORT OFFICE 14816 G/38 10 MAR 1939 MADRAS

I ~~have the honour to invite~~ am directed to invite ~~invite~~ attention to P.W. letter No. 3862-A/38-5 dated 9-1-1939 and to ~~to request that the reply to it may be expedited~~ request that this reminder may be returned ~~at once~~ with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay~~

Office P.W. Secy.

Station Fort St. George.

Dated 8.3.39.

Signature. Under Secy. to Govt. P.W.D.

Designation

SUBJECT. 7.3.39

Lts. Fees - levy on passengers & goods

Retransmitted.

1. The matter is under correspondence with the local Agents of the Bombay Steam Navigation Co. Ltd., Mangalore.

2. In about 2 weeks.

W. F. Ruffle,

for Presidency Port Officer.

Forwarded.

Madras, 28-3-39.

Manager.

Vs

15

PW (Mar)

Please see the P.P-o's reply overleaf

AR Hill 15-4-39

1.3.39

IVn.

3rd.B

16

1,002—13-9-38.

ASST SECRETARY
A
10 MAY 1939
2356
PUBLIC WORKS DEPARTMENT

Received _____ 193 *Registered* 10 MAY 1939 193

Subject.

Landing and Shipping fees - Levy on passengers and goods.

ENCLOSURES
No. A draft notifn in duplicate & list.
Spare copies _____

No 148/ Sl/38-10 *Madras, dated* May 193 9.

From (Name) Commander G.M. Osborne-Smith, R.I.N.,

Presidency Port Officer, Madras,

To The Secretary to the Government of Madras,

Public Works (Marine) Department.

Sir,

Government Memo. No.3862 A/38-5, Public Works (Marine), dated 9-1-1939.

I have the honour to invite a reference to G.O.No.Ms.238, Public Works (Marine), dated 2-2-39 sanctioning the appointment ex officio, of the persons mentioned in column 2 of the Annexure thereto to assist the officers appointed to levy and receive the fees under section 7 of the Madras Outports Landing and Shipping Fees Act in the ports mentioned in column 1 to the extent specified in column 3 of the said annexure and to enclose herewith a list of additional persons to be appointed to assist the aforesaid officers at the ports of Cocanada, Negapatam and Mangalore to levy and receive landing and shipping fees on passengers and request that Government may be pleased to accord their sanction thereto.

(Box no 39)

2. A draft amendment to the rules appended to G.O.No.1859, Public Works (Marine), dated 27-8-1938, is enclosed for the approval of Government and inclusion therein as "Rule 24, Special to Coconada, Negapatam and Mangalore"

3. The Steamer agents would render the services required of them free of charge.

I have the honour to be,
Sir,
Your most obedient servant,

G. Osborne Smith

Commander, R.I.N.,D.,
Presidency Port Officer.

lgs

Draft Notification.

In exercise of the powers conferred by Section 6 of the Madras Outports Landing & Shipping Fees Act 1885 (Madras Act III of 1885), the Government of Madras are hereby pleased to make the following amendment to the rules appended to Marine Notification No.78 dated 27.8.38, published at pages 1294-95, Part I, Fort St. George Gazette dated 6.9.1938.

Amendment.

In part II of the said rules, the following shall be added as 'rule 24 (Special to Cocanada, Negapatam, and Mangalore)':-

'24 - Special to Cocanada, Negapatam and Mangalore - In the matter of levy and collection of Landing & Shipping fees on passengers embarking or disembarking by steamers at these ports, the officer in rule 1, shall be assisted by the manager of the local Shipping Co., concerned.

Commander, R.I.N.
Presidency Port Officer.

Draft Notification.

In exercise of the powers conferred by Section 6 of the Madras Outports Landing & Shipping Fees Act 1885 (Madras Act III of 1885), the Government of Madras are hereby pleased to make the following amendment to the rules appended to Marine Notification No.78 dated 27.8.38, published at pages 1294-95, Part I, Fort St. George Gazette dated 6.9.1938.

Amendment.

In part II of the said rules, the following shall be added as 'rule 24 (Special to Cocanada, Negapatam, and Mangalore)':-

'24 - Special to Cocanada, Negapatam and Mangalore - In the matter of levy and collection of Landing & Shipping fees on passengers embarking or disembarking by steamers at these ports, the officer in rule 1, shall be assisted by the manager of the local Shipping Co., concerned.

Commander, R.I.N.
Presidency Port Officer.

Annexure. II 20 (Section 7)

List of officers to be appointed to assist the officers authorised to levy and collect Landing & Shipping fees on passengers at the ports of Cocanada Negapatam and Mangalore, under the Madras Outports Landing and Shipping Fees Act 1885.

Port.	Designation of the Post.	Nature of duties and responsibilities in which he is to assist the officer appointed under Section 7 of the Madras Outports Landing & Shipping Fees Act 1885.
1.	2.	3.
1. Cocanada	1. The Manager, The Coromandel Co., Ltd., Cocanada.	To levy and receive Landing and Shipping fees on passengers embarking or disembarking from the steamers for which they are the agents.
	2. The Manager, Messrs. K.P.V. Shaik Mohamad Bowther & Co. Agents to the Scindia Steam Navigation Co. Ltd,, Cocanada.	-dO.-
2. Negapatam.	The Manager, The Madura Co. Ltd., Negapatam.	-do.-
3. Mangalore.	The Asst. Branch Manager, The Bombay Steam Navigation Co., Ltd., Mangalore.	-do.-

3862 Aj38

PMCKar,

Subj Mangalore – Landing and Shipping fees – levy on passengers.

PP1-3¢ From the GPO no 1481 Calf38-2 dt 13.9.38

P6¢ Gm no 3862 Aj38-1 dated 24.9.38

P7¢ From the GPO no 1481 Calf38-4 dated 3.10.38

PP1-3¢ In his letter first quoted above the GPO recommended the levy of landing and shipping fees on passengers disembarking and embarking at the port of Mangalore inorder to increase the sources of the fund for improving the existing facilities at the port for passengers He also proposed to entrust the work of

P1¢ collecting the dues to the Steamer Agents

P2¢ Enclosed as stated in Gm 3462 Fin(Ker) dt 30.8.38 regarding Cocanada, Tuticorin and Negapatam In his subsequent

(M) report he has stated that the rate of

P7¢ fees levied at the above ports is 2-2 ℄ for each adult and 0-1-0 for each child between 3 and 12 years

(X) Ratnam inserted

2. The Advocate General

(PP4-5 ¢ (H) (Rep. Mr. C.P. Ramaswamy Aiyar) was of the opinion that the Steamer Agents could not be entrusted with the duty of collecting

Collecting port dues and the Govt therefor ordered in Govt No 342 Fin (Ports) dated 3rd Feb 21 that pending necessary legislation to regulate the procedure for landing and shipping might be collected after steamer agents so long as no objection was taken by the passengers themselves. P11 of (M)

2. Section 4 of the Madras Ports landing and shipping fees Act (Act III of 1885) (as amended upto 1.1.34) empowers the Govt to levy landing and shipping fees upon passengers and goods landed from and shipped into any vessel lying or having within the port limits. Section 6 ibid empowers the Govt to frame necessary rules for the landing and shipping of passengers and goods, assessing and collecting of dues and generally for the purposes of the Act Section 7 entitles the Govt to appoint an officer of Govt to levy and receive all fees payable under the Act and to keep accounts. Under the rules framed under Section 6 of the Act nor under Section 4 of the Act Govt the steamer agents are entitled to levy and collect fees from the passengers as the said steamer (Box no 39) —do— —do— (X) Govt 1859 A 27.8.0 (Box no 39)

P 11 of (H)

Agents and not Officers of Govt. no action ... seems to have been taken by Govt legislation to regularise the procedure I as was originally contemplated

(H)

Vide Ces Cy. 342 Fin (Mar) dated 30 Se

~~Re enquiries into rates are not traceable~~

In the circumstances the DPO may be warned not to submit ... further report as to how the staking agents Can be entrusted with the duty of collecting fees in terms of the provision of Section 7 of the Act 1865 and to submit proposals for regularising the process adopted here now at Cocanada and Nagapatam. A draft memo Submitted

Pgr no 39

Re words

The irregularity (which the Magistrate adverted to in the G.O of 1921 has been done in without authority any demur from any quarter. But it seems undesirable for the Govt to countenance it. Either other measures should be taken for departmental collection of landing & shipping dues or the Act should be amended both as regards the ports mentioned in the G.O of 1921 as well as the proposed levy at Mangalore. Proposals may be called for from the D.P.O. Draft submitted

Memo There would be no justification

for our decision as regards
by according to departmental
Section 7 of the act prescribes
the manner in which offices shall be made.
It empowers the Govt to appoint an officer
of Govt. to levy & receive fees this
officer may, with the sanction of the
Govt., appoint such persons as
shall think fit to assist him. There
is no reason why the Post Office should
not be deemed to be Govt. Office &
the shipping agents, his assistants
appointed with the approval of the Govt
as contemplated in S 7 of the Act.
If this interpretation is accepted,
the existing practice, which has
not so far led to complaints, may
continue.

HH
11/X

Will Legal kindly say whether there is
any objection to X above?

JHP
11/X

C 6931

ASSISTANT SECRETARY
12 OCT 1938
LEGAL DEPARTMENT

Dowd no no 3862 38
10.35

(Por no 39)

Under section 7 of the Madras Outports Landing and Shipping Fees Act, 1885, the Government (that is to say, the Provincial Government in the case of minor ports) should appoint an officer of Government to levy and receive all fees payable under the Act and to pay the same into such treasury and keep such accounts as the Government may from time to time prescribe. The officer to be appointed under this section should be a Government servant. The Port Officer, who is an officer of the Government, may well be appointed under this section as the officer to perform the functions allotted to him by the Act.

2. Section 7 empowers the officer so appointed from time to time to appoint, with the sanction of the Government, such persons as he shall think fit to assist him in carrying out the provisions of the Act. The section does not require that the assistants to be appointed should be persons already in the service of the Government. It seems to me that any person whom the "officer" considers suitable can, with the sanction of the Government, be appointed to assist him. The persons chosen as assistants should be appointed individually as the "officer" has to satisfy himself that the person concerned is suitable for appointment. So the appointment of a general body of steamer agents may not be considered quite proper. I may also point out that the persons appointed as assistants and entrusted with functions under the Act, such as levying or receiving of fees, will be 'public servants' within the meaning of the ninth clause of section 21 of the Indian Penal Code read with Explanation 1 to that section.

by Sir C. P. Ramaswami Iyer

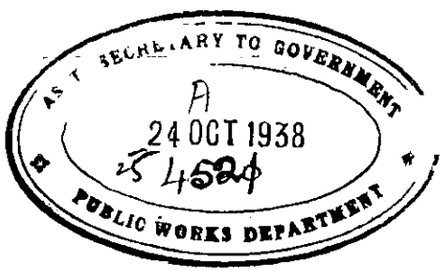
3. In view however of the opinion expressed at

pages 2-3 of G.O.No. 342, Finance, dated 30th August (M)
1921, Public Works may well consult the present
Advocate General in the matter.

21/10/38

PWD

Legal wo. 6931-1
24-10-38



POWD

With reference to Legal Dept's note on ff 5-6 ante, a draft memo to the Court's Solicitor is submitted for approval.

PM. amplify draft on the lines of Legal's

31.10.38 PM 31/10. Note

US/S

BVR

with ref: to para 1 of Legal note on p. 5 ante,

Revised draft submitted. (The Port Officers have already been appointed under Sec. 7 to receive fees)

Para 5 on p. 2 of Portcullis Bundle

31.10.38 PM 2.11.38

The opinion of the previous Advocate General (Sir C.P. Ramaswami Aiyar) given in 1921 should be referred to

BG

Revised draft submitted.

31/10/38 PM 31/10/38

4/11

I presume this has to be fired

PV(Secy)

Secy in-charge on p. 7 ante

Secretariat instructions as revised do not contain any specific provision that reference to the Advocate general should be made only after obtaining orders in circulation. It is, however, understood that usually such references are made only after circulation. Hence, this file may also be circulated. A note for circulation is submitted. pp 9–10 infra

Sd
6.11.38
7.11.38

Note for circulation

(Pk no 39)

Under Section 7 of the Madras Gulf of Landing and Shipping Fees Act 1865, the Govt (ie the Provincial Govt) should appoint an officer of Govt. to levy and receive all fees payable under the Act, and to pay the same into Such treasury and keep Such accounts as the Govt. may from time to time prescribe

Para 1 p 5 ante

—do—

As the officer, to be appointed under this Section should be a Govt. Servant, every one of the Port officers at different ports has been appointed as the 'officer' to perform the functions allotted to them by the Act at different ports. Landing and Shipping fees on passengers, as distinct from goods, are at present levied only at the ports of Cocanada, Negapatam and Tuticorin and the collection of the fees is done by the Steamer agents. Consequent on 1921 the Advocate general expressed the opinion that the work of collecting the fees could not be entrusted to the Steamer agents as a body but the practice was allowed to be continued pending the undertaking of necessary legislation to regulate it and so long as no objections were received to it from the public. No Such legislation has so far been undertaken nor objections received from the Public.

—do—

(Item 5 on p 2 of Port Manual Book no 40)

ILJ (M) and PJ Cf

—do—

PP 4-5 J (M)

P 11 J (M)

2. With a view to augment the revenues of the Landing and Shipping Fund Mangalore, the PPO proposes to levy fees

P 1 Cf

(Landing and Shipping fees) on passengers
Embarking and disembarking at Mangalore
and entrust the work of Collecting such fees
to the Steamer agents as is now done at
Cocanada, Nizampatam and Tuticorin A.S
Section 7 of the Madras Outports Landing and
Shipping Fee Act, 1865, empowers the officer appointed
under the Act, to appoint, with the sanction
of Govt. such persons as he shall think
fit to assist him in carrying out the
provisions of the Act. and as the same section
does not require that the assistants should
be persons already in the service of Govt, it is
~~considered~~ been suggested that any person, whom the officer
considers suitable, can be appointed, with the
sanction of Govt to assist him (Port officers);
provided ~~only~~ the persons chosen as assistants were
be appointed individually so that the officer
might satisfy himself as to the suitability
of each person. On this view, the Steamer
agents could be appointed individually by name though not
as a body according to the opinion given by
ex advocate general, Mr. C P Ramaswami
Ayyar) in 1924. The legal Dept agree
with this and say ~~also~~ add that the assistants
so appointed would be public Servants within the
meaning of the tenth Clause of Section 21 of
the Indian Penal Code read with Explanation

Pp 1-2 ante

P 2 ante

(Pp no 39)

P 5 ante

— do —

— do — & 'X' on p 4 ante

— do —

Para 2 p 5 ante

P 5 ante (M)

Para 2 p 5 ante

— do —

3862/38

Explanation 1 to Rule Section.

3. The Legal Deptt have suggested that the Advocate general may again be consulted in the matter A the draft on the Govt. Solicitor ~~advice~~ is submitted for approval

Ex
6/12/38
MR
7.11.38

Hon'ble
7/11

Secy
15/11

Hon'ble (Law)
7/11

Secy
15/11

P&G! Govt no 3862 A/38.3 dated 15/11/38 from the Govt Solicitor.
PP 10-12 CA from the Govt. Solicitor no 3256 dt 20/12/38

Draft on the PPO calling for revised drafts of rules 21-23 of the L&T Rules & draft notifns appointing individual Steamer agents Lighname as Assistants under S.7 of the Act is submitted.

Legal may see the L.G.'s opinion before some of the ors

MR
4.1.39.

Secy
5/1

Secy
5/1

Legal

P8 ante

P8 of (X)

A 0118

SECRETARY
6-JAN 1939
LEGAL DEPARTMENT

3862A/38-4
6.1.39

3862 A/38

Legal dept

The Adv. Gen's opinion at p. 10. c.f. has been seen in this dept

X. VM
6/1/39

Ra
7/1/39

PWD

Legal 1184-1
7.1.39.

PWD

The draft memo may be issued.

el 7.1.39 PM 9/1/39 Jmk 9/1

A114
7-JAN-19.

Memo no 3862 A/38-5 dated 9.1.39 from PPO P13cf
From the PPO no 1481 Cal/38-10 dated 5/9 pp 16-20 cf

Please see pp 9-11 ante,
n to the PPO on p. 13 cf and his reply
on pp. 16-20 cf A draft order is submitted
may be sent to Legal for Scrutiny

Legal Home
Sir
17/5/39 PM
17.5 Legal 17/5

P.W.Dept. no. 3862A/38-6
18.5.39.

ASL 3376

Legal Department.

The alterations indicated in red ink on the draft notifications may be made.

2. Under section 5 of the Madras Outports Landing

ASSISTANT SECRETARY
18 MAY 1939

3.62 4/38
(urgent/pass)

and Shipping Fees Act, the rates of landing and shipping fees should be notified in the Gazette at least one month before the date from which the same become payable. The date "1st July 1939" in draft notification 1 should therefore be altered suitably.

'A'

31/5/39

S.

1/6/39

ASST SECRETARY TO GOVERNMENT
A
3 - JUN 1939
F2995
PUBLIC WORKS DEPARTMENT

Legal 3326-1
3.6.39

Pwd

Please See paras 9-13 above. PW(Kgs)

2. The notifications, as amended by Legal, may issue. [The fees on passengers may be levied from 5.39 instead of from 1.7.39 above]

6/6/39

7/6

9/6

12/6

Consent for
12/6

24-13/6

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— PW(Mar)

Ports - Mangalore - Landing and Shipping fees levy on passengers Orders issued

READ AGAIN _____, dated _____ 19____.

" " Coast 342 Fin (Mar) 30. 8. 1921. (M)

READ *ALSO*:—

No. 3862/38 From the PPO, No. 1481 A&C/38-1 dated 13.9.1938. PP 1-5 cf

" _____ " Gen to the PPO no. 3862/38-2 24 9 38 P6 cf

" _____ " From the PPO " 1481 A&C/38-4 30 9 1938. PP 7 cf

" _____ " From the Coast Collector No 60 dt 19 12 38 P10 cf

" _____ " ~~From~~ to PPO " 1481 A&C/38-10 - 5. 19 39. PP 16-20 cf

Order/~~Resolution~~ Ms./~~Rout~~: No. 1474, dated 13-6-1938.

HE the Coor is pleased to approve the proposal of the PPO to levy landing and shipping fees on passengers disembarking at and embarking from the port of Mangalore and to entrust the Collection of the ~~above mentioned~~ fees to the interested Steamer agents concerned, appointed by name. The notification contained in Annexure I to these proceedings will be published in the Fort St George Gazette and in the meantime DR Gazette

PP 1-2 cf, 4 16 cf

PP 10 cf 20 cf

PP 3-4 infra

2. Under Section 7 of the Madras Gutpost Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), and in continuation of orders issued in Govt No Ms 238 PW(Ks) dt 2.2.39 the Govt is also pleased to sanction the appointment of Peons mentioned in Col. 2 of Annexure II to these proceedings to assist the Officers appointed to levy and receive the fees under the Act in the ports mentioned in Col. 1 to the extent specified in Col. 3 of annexure II to these proceedings

(Pr no 39

(R)

P20 Cy + P5 Mfpm

P5 Mfpm

By order

17.5.39

[Annexure I + II

To the PPO

Chief Engr

Supdg Engr (for Pamban)

Collector Annexure I only)

P3-1 Cy to Legal Dept

Dy Secy 15/6

3 Spare Cys

ANNEXURE I.

~~Draft~~ Notification.
(1).

In exercise of the powers conferred by sections 4 and 5 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885) ~~the Government~~ H.E the Governor of Madras ~~are~~ is hereby pleased

(i) to direct that landing and shipping fees shall be levied upon all passengers landed from or shipped into, any vessel lying or being within the limits of the Port of Mangalore in the district of South Kanara at the following rates, ~~viz.,~~ namely:-

Adults per head	Re. 0 2 0
Children between three and twelve years of age each ...	Re. 0 1 0 and

(ii) to notify that fees at the said rates shall be payable on and after the ⊗ ~~1st July~~ August 1939. (vide p 13 ng)

17-5

~~Draft~~ Notification.

(2)

In exercise of the powers conferred by section 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885) ~~the Government~~ H.E the Governor of Madras ~~are~~ hereby pleased to make the following amendment to the rules ~~appended to (Marine)~~ (published with Public Works (Marine) Department) Notification No. 78 dated the 27-8-38 ~~published~~ at pages 1294-95 of Part-I of the Fort St. George Gazette dated the 6-9-1938.→

Amendment.

In part II of the said rules ~~(a) add the following as sub-rule~~ (a) (i) of rule 23 ~~(Special to Mangalore), renumbering the existing~~ shall be renumbered as sub-rule (2) of that

and the following shall be inserted as sub-rule(1), new rule ~~as sub rule (ii).~~

"23 - Special to Mangalore.- (~~1~~). Passengers shall embark or disembark on the pier or on such part of the wharf situated within the customs dutiable enclosure walls as the Port Officer may, from time to time direct." ; and

(after rule 23, the)
(b) ~~Insert the~~ following ~~as~~ rule ~~24~~ shall be added, namely:-

"24 - Special to Cocanada, Negapatam and Mangalore. In the matter of levy and collection of Landing & Shipping fees on passengers embarking or disembarking by steamers at these ports, the officer (referred to) in rule 1, shall be assisted by the manager of the local Shipping company concerned."

(VCOC p20 f)

ANNEXURE II.

List of officers to be appointed to assist the officers authorised to levy and collect Landing & Shipping fees on passengers at the ports of Cocanada, Negapatam and Mangalore, under the Madras Outports Landing and Shipping Fees Act, 1885.

Port.	Designation of the post.	Nature of duties and responsibilities in which he is to assist the officer appointed under Section 7 of the Madras Outports Landing and Shipping Fees Act, 1885.
(1)	(2)	(3)
1.Cocanada	1. The Manager, The Coromandel Co.Ld., Cocanada.	To levy and receive Landing & Shipping fees on passengers embarking or disembarking from the steamers for which they are the agents.
	2. The Manager, Messrs. K.P.V.Shaik Mohamad Rowther & Co. Agents to the Scindia Steam Navigation Co. Ltd., Cocanada.	-do-
2. Negapatam	The Manager, The Madura Co. Ltd. Negapatam.	-do-
3. Mangalore	The Asst. Branch Manager The Bombay Steam Navigation Co., Ltd., Mangalore	-do-

8/c 15/5

Received.....1939 Registered.....1939

Abstract

Ports - Mangalore - Landing and Shipping fees - Levy on passengers - Orders issued.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

Public Works Department
(Marine)

G.O.No.Ms. 1474. Dated the 13th June 1939
Read the following papers:-

G.O.No.Ms. 348 Fin.(Mar.) dated 30th August 1921.
From the Presidency Port Officer, No.1681 Cl./38-2 dated 13th September 1938.
Memorandum to the Presidency Port Officer, No.3262 A/38-1 dated 24th September 1938.
From the Presidency Port Officer, No.1433 Cl./38-4 dated 30th September 1938.
" Government Solicitor No.80 dated 19th December 1938.
" Presidency Port Officer, No.148101./38-10 dated ~~10-5-1939~~ May 1939.

O R D E R:-

His Excellency the Governor is pleased to approve the proposal of the Presidency Port Officer to levy landing and shipping fees on passengers disembarking at and embarking from the port of Mangalore, and to entrust the collection of the fees to the individual steamer agents concerned, appointed by name. The notifications contained in Annexure I to these proceedings will be - published in the Fort St.George Gazette and in the Maritime District Gazettes.

2. Under section 7 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), and in continuation of orders issued in G.O.No.Ms. 338 P.W.(Mar.) dated 2nd February 1939, His Excellency the Governor is also pleased to sanction the appointment of the persons mentioned in column 2 of Annexure II to these proceedings to assist the officers appointed to levy and receive the fees under the Act in the ports mentioned in column 1 to the extent specified in column 3 of annexure II to these proceedings.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

K.Ramunni Menon,
Secretary to Government.

To the Presidency Port Officer,
" Examiner Local Fund Accounts.
" Superintendent Government Press for publication.
Copy to Legal Department.

True copy
Forwarded
(By Order)

Mar.13.6.

Annexure I.

Notification

In exercise of the powers conferred by sections 4 and 5 of the Madras Outports Landing and Shipping Fees Act, 1855 (Madras Act III of 1855) His Excellency the Governor of Madras is hereby pleased —

(i) to direct that landing and shipping fees shall be levied upon all passengers landed from, or shipped into, any vessel lying or being within the limits of the Port of Mangalore in the district of South Kanara at the following rates, namely:-

Adults per head. ... Re. 0- 2- 0

Children between three and twelve years of age each. Re. 0- 1- 0; and

(ii) to notify that fees at the said rates shall be payable on and after the 1st August 1939.

Notification.
(2)

In exercise of the powers conferred by section 6 of the Madras Outports Landing and Shipping Fees Act, 1855 (Madras Act III of 1855) His Excellency the Governor of Madras is hereby pleased to make the following amendments to the rules published with Public Works (Marine) Department Notification No.78 dated the 27th August 1938 at pages 1294-95 of Part I of the Fort St. George Gazette ~~and~~ dated the 6th September 1938:-

Amendments.

In part II of the said rules (a) rule 23 shall be renumbered as sub-rule (2) of that rule and the following shall be inserted as sub-rule (1), namely:-

"23 - Special to Mangalore:- (1). Passengers shall embark or disembark on the pier or on such part of the wharf situated within the customs dutiable enclosure walls as the Port Officer may, from time to time direct."; and

(b) after rule 23, the following rule shall be added, namely:-

"24 - Special to Cocanada, Negapatam and Mangalore.

In the matter of levy and collection of landing and shipping fees on passengers embarking or disembarking by steamers at these ports, the officer referred to in rule 1 shall be assisted by the of the local shipping company concerned."

41

Annexure II.

List of additional officers appointed to assist the officers authorised to levy and collect Landing and Shipping fees on passengers at the ports of Cocanada, Negapatam and Mangalore, under the Madras Outports Landing and Shipping Fees Act, 1855.

Port.	Designation of the post.	Nature of duties and responsibilities in which he is to assist the officer appointed under Section 7 of the Madras Outports Landing and Shipping Fees Act, 1855.
(1)	(2)	(3)
1. Cocanada	1. The Manager, The Coromandel Col, Ltd., Cocanada.	To levy and receive Landing and Shipping fees on passengers embarking or disembarking from the steamers for which they are the agents.
	2. The Manager, Messrs. K.P.V. Shaik Mohamad Rowther & Co., Agents to the Scindia Steam Navigation Co., Ltd., Cocanada.	Do.
2. Negapatam.	The Manager, The Madura Co., Ltd., Negapatam.	Do.
3. Mangalore.	The Assistant Branch Manager. The Bombay Steam Navigation Co., Ltd., Mangalore.	Do.

Xerox

It was not a question of
health however
was some reasons

PW(Rev)

Dated 10.38

Forts. Landing and Shipping fees levy on passengers

The Govt. have under consideration the question of entrusting the Steamer agents concerned with the collection of landing and Shipping fees on passengers at different ports in the Presidency. This question arose first in connection with the levy of Landing fees at Govt. in 1921 in connection with the Port of Bandar. The then Advocate General expressed the opinion that the power of appointing assistants contemplated by Section 7 of the Madras Ports Landing and Shipping Fees Act, 1865 could not be exercised in favour of a general body of Steamer agents. A copy of his opinion enclosed.

(M)

pp 4-5 of (M).

(Ref no 1 of)

p 5 of (M)

4-5 of (M)

ib nf

2. The Govt. Solicitor is requested to examine and forward

the of which the present
Advocate general obtains, under
Section 17 of the Act, as it
stands, a Port officer (appointed
by the Govt. under the same Sect
to survey and receive all fees
payable under the Act, to pay
the same into a treasury and
to keep accounts thereof) Can,
with the sanction of Govt, appoint
the Same agents Concerned as
a Survey as his assistants,
for the purpose specified and
as such, whether the Can, with
the sanction of Govt, appoint
one or more
by name, any of the Shipping
agents as his assistants from
time to time

To the Court Solicitor
Madras
(with Enclosure
(Any [illegible]

[illegible]
M2
[illegible]

PW(Ken

Gen no Dated 2.30

Subj Govt. - Landing and shipping fees - levy on passengers.

(111)

We can have under consideration the question of subjecting the Steamer agents concerned with the collection of landing and shipping fees on passengers at different ports in the Presidency. This question engaged the attention of Govt. in 1921 in connection with the form of Standing. The then Advocate General expressed the opinion that the power of appointing assistants contemplated by Section 7 of the Madras Coast Landing and Shipping Fees Act 1863, could not be exercised in favour of a general body of Steamer agents - Vide Copy of his opinion enclosed

2. The Govt Solicitor is requested to return and forward

Please file

M2

3/4

Printed

11.35

Subj Landing and Shipping

Fees - Ceylon Passengers.

Section 7 of the Madras Ports Landing and Shipping Fees Act, 1885, lays down that the Provincial Govt. shall appoint an officer of Govt. to levy and receive all fees payable under the Act, and to pay them into such treasury and keep such accounts as the Govt. may, from time to time prescribe. As the Officer appointed under this Section would be a Govt. servant everyone of the four officers has been appointed an Officer to perform the functions allotted to him by the Act, as aforesaid.

Pol no 391

P5 M 4

— do —

Fees not payable

(Item 5 of Pt 2 of Sch I)

2. The same Section empowers the Officer so appointed from time to time to appoint with the sanction of Govt., such

such persons as he shall
think fit to assist him in
carrying out the provisions of the
Act. A Rule hereon does not
appear that the assistants,
mentioned above, should be
persons already in the Service
of Govt., it would appear
may persons without an office,
referred to in para 1 above, Could
suitable could also be selected
by Govt, are appointed to assist
them; the persons so chosen
being, however, appointed
by name so that the officer
as to the suitability of
might satisfy himself the
individual concerned for
appointment. The
persons so appointed as
assistant' and entrusted with
the Levy & Collection of fees
under the Act, shall
be
public servants within the meaning
of the said clause of Section 21 of
the Indian Penal Code read
with explanation 1 to that Section.

Govt. to ascertain whether this view is correct & whether they could

P5 Mf

— do —

Post the appointment of a body of Stamp Vendors is obviously not be at variance with the rule laid down by GOI in their Resolution of 19th June 1924 the procedure has been in the matter. It has however been suggested that the persons chosen for such appointments might be appointed by name

P5 Mf

— do —

X on p 4 Mf

Contd

~~purpose to issue a direction to the Port Officer~~
~~a proposal for entrustment~~
(attached by name)
Steamer agents concerned with
the collection of harbour, canal
Shipping fees on passengers
~~different parts~~ in the Presidency where
such fees are levied; ~~on~~
~~points to be Port Officer~~

2. The Govt. Solicitor
is requested to obtain and
forward the opinion of the
Advocate General as to whether this
Course is legally permissible under
~~for the~~ ~~to appoint the~~
Sec. 7 of the Madras Outports Act 1873
~~terms of the section~~
as it stands.
~~as suggested in para~~

~~A copy of the opinion of~~
~~the Advocate General in this~~
~~is also enclosed for reference~~

for
Chief
Secretary

To the Govt Solicitor
Madras
(with enclosure)
MH-5